

CITY AND COUNTY OF SAN FRANCISCO



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February 22, 2011

The Honorable Maria-Elena James  
Magistrate Judge, United States District Court  
for the Northern District of California  
450 Golden Gate Avenue, 15th Floor  
San Francisco, CA 94102

Re: *Ambat v. City and County of San Francisco*, U.S.D.C. Case No. 07-3622

Dear Judge James:

I am writing to request a briefing schedule for a motion the City intends to bring to enforce the settlement agreement the City reached with Plaintiffs Lisa Janssen, Mattie Spires-Morgan and Anjie Versher on June 10, 2010, during a settlement conference over which Your Honor presided. Based on the order the Court's Clerk issued on July 2, 2010 (Docket No. 297), it is my understanding that all matters regarding this settlement have been referred to you by Judge Illston.

Unfortunately, although we have engaged in numerous telephone calls and letters, provided proposed drafts of the settlement agreement and received specific direction from Your Honor with respect to Plaintiffs' attempt to modify the settlement by inserting a purported right to seek attorneys' fees, the parties have been unable to agree on the form of the settlement agreement.

The fundamental stumbling block is that Plaintiffs have taken the position that they will not sign a settlement agreement at all, and that instead the court should enter a judgment containing the terms which Plaintiffs' contend embody the settlement. The City long ago provided a form of settlement agreement to Plaintiffs' counsel which it believes embodies the settlement reached. Plaintiffs have failed to propose any settlement agreement in return, providing only a lengthy form of "Judgment" which they contend contain the agreed terms of the settlement.

Plaintiffs also continue to take the position they may seek attorneys fees and costs, even though the settlement reached specifically releases all claims, and even though Your Honor, during a settlement status conference held on September 23, 2010, provided guidance to Plaintiffs that was consistent with the City's position on this issue.

Based on the intransigence of Plaintiffs on these points, the City believes that further discussions with Plaintiffs in an attempt to agree upon the written form of the settlement would be futile. Therefore, to finally bring this matter to a close and allow for the entry of judgment as

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to all the claims in this case, the City intends to file motion to enforce the settlement agreement reached on June 10, 2010. In its motion, the City will request that the Court order Plaintiffs to execute a written agreement embodying the terms of settlement. Along with its motion, the City will submit a form of settlement agreement which in City's view accurately reflects the material terms of the settlement, as agreed by the parties. In addition, the City will request an order setting a deadline for the performance of the settlement terms over which the Court has retained jurisdiction, namely the sick time credits and review of Plaintiffs' personnel files. To date, none of the Plaintiffs has come forward to identify any days for which they wish to obtain sick day credits, which was one of the terms of the settlement agreement. Similarly, none of the Plaintiffs has contacted Sheriff Department's representatives to conduct the review of their personnel files that the settlement contemplated. The City believes that setting a deadline will move this process along and eventually enable the Court to divest itself of jurisdiction over these remnants of this case.

Accordingly, the City respectfully requests that the Court set a briefing schedule for the City's intended motion to enforce the settlement agreement.

Respectfully submitted,

DENNIS J. HERRERA  
City Attorney

/s/  
Rafal Ofierski  
Deputy City Attorney

cc: Lawrence Murray

Defendant shall file a motion pursuant to Civil Local Rule 7.

Dated: February 23, 2011

